



# PUBLIC NOTICE

**US Army Corps  
of Engineers®**

APPLICATION FOR PERMIT

*LOS ANGELES DISTRICT*

**Public Notice/Application No.:** 2003-00370-AOA

**Comment Period:** February 3, 2003 through February 18, 2003

**Project Manager:** Aaron O. Allen (805) 585-2148 [aaron.o.allen@usace.army.mil](mailto:aaron.o.allen@usace.army.mil)

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**Applicant**

SunCal Companies  
21601 Devonshire Blvd., Suite 116  
Chatsworth, California 91311

**Contact**

HDR Engineering  
Mr. Eric Ruby  
(858) 712-8400

**Location**

The proposed project is located in Dayton Canyon near the City of Chatsworth, Los Angeles County, California (at: lat:34-13-14.0160 lon:118-39-2.9880)

**Activity**

The applicant proposes to impact 0.8 acres of waters of the United States for the construction of a detention basin, placement of compacted fill material and roads associated with a small residential development project (see attached drawings). For more information see page 3 of this notice.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch - Ventura Field Office  
ATTN: CESPL-CO--200300370-AOA  
2151 Alessandro Drive, Suite 255  
Ventura, California 93001

Alternatively, comments can be sent electronically to: [aaron.o.allen@usace.army.mil](mailto:aaron.o.allen@usace.army.mil)

## **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

## **Preliminary Review of Selected Factors**

**EIS Determination-** A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality-** The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. The Regional Water Quality Control Board issued a Section 401 Certification for the proposed project on November 14, 2000.

**Coastal Zone Management-** For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. This project is located outside the coastal zone and preliminary review indicates that it will not affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

**Cultural Resources-** Archeological site CA-LAN-254 is located within the scope of analysis for this permit action and this site, which is eligible for listing in the National Register, would be adversely affected by the proposed Section 404 permit. As part of previous permit action for the proposed project (Corps File No. 2000-00724-AOA), a memorandum of agreement was completed by the State Historic Preservation Officer to address the impacts to CA-LAN-254. All the terms and conditions listed in the above memorandum of agreement would be incorporated as special conditions as part of any permit for the proposed project. Based on

the above, the proposed permit action would be in full compliance with Section 106 of the National Historic Preservation Act.

**Endangered Species-** Due to an ephemeral flow regime and the lack of suitable riparian habitat, the proposed project area does not support any suitable habitat for endangered or threatened species that are known to occur in the project vicinity. As part of a previous permit decision (Corps File No. 2000-00724-AOA), the Corps had determined that, based on information in the detailed biological assessment that was completed as part of the CEQA process, the proposed project would not affect any species federally listed as threatened or endangered or their designated critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

The applicant proposes to impact 0.8 acres of waters of the United States for the construction of roads, a detention basin, utilities and the placement of compacted fill material associated with a 150-unit residential development project in Dayton Canyon near the City of Chatsworth, Los Angeles County (Figures 1-6). The project area is approximately 360 acres in size and the applicant proposes to develop approximately 64.2 acres of the site. On May 18, 2001, the Corps of Engineers authorized the above discharges of fill material under Nationwide Permit No. 26 (File No. 2000-00734-AOA); however, due to delays associated with Section 106 compliance, the authorized work in waters of the United States will not be initiated before Permit No. 2000-00734-AOA expires on February 11, 2003. The overall project purpose for the proposed project would be to construct a small residential development (approximately 150 units) in the western portion of the San Fernando Valley.

With the propose project, 0.8 acres of waters of the United States (3,740 linear feet of ephemeral stream channel) would be disturbed by grading activities to move a total of 1,730,000 cubic yards of material to create pads for the proposed 64.2-acre development. The above jurisdictional area would also be permanently affected by the proposed construction of a detention basin downstream of the development, construction of utilities and a road to provide access to the project area. Standard earth moving equipment would be used to complete the above construction activities in waters of the United States. To minimize short-term indirect and direct construction impacts to waters of the United States, the applicant would be required to implement standard best management practices during all work in waters of the United States.

In the project area, Dayton Canyon exhibits an ephemeral flow regime and supports scattered riparian scrub habitat. In adjacent upland areas, the site is dominated by mixed chaparral, coast live oak woodland and disturbed areas. A total of 2.99 acres of waters of the United States occur in the project area; however, through avoidance and minimization measures developed during the Nationwide Permit process, the applicant has reduced impacts to jurisdictional areas to a total of 0.8 acres of waters of the United States, which are located in the lower portion of the Dayton Canyon watershed. With the proposed project 1.57 acres of waters of the United States that would not be affected by the proposed project would be preserved and located in the proposed 260-acre open space area that would dedicated to the Santa Monica Mountains Conservancy. The remaining 0.62 acres of waters of the United States would not be affected by the proposed project, but would be located in designated open space areas associated with the proposed development; however, this 0.62-acre area would not be located in the open space area that would be dedicated to the Santa Monica Mountains Conservancy. To compensate for unavoidable impacts to 0.8 acres of waters of the United States, which exhibit an ephemeral flow regime, the applicant would preserve and enhance/restore 3.6 acres of oak woodland/riparian habitat within the Dayton Canyon floodplain in the project area.

### **Additional Project Information**

Although the applicant has already implemented substantial avoidance and minimization measures in the proposed project design (avoidance of approximately 75% of the waters of the United States in the project area), they would be required to conduct a 404(b)(1) alternatives analysis to demonstrate that the proposed project design represents the least environmentally damaging practicable alternative. As part of the alternatives analysis, the applicant would be required to assess the no federal action alternative and at least one alternative that would be less damaging to the aquatic environment when compared to the proposed project design.

### **Proposed Special Conditions**

1. The permittee shall compensate for impacts to 0.8 waters of the United States by preserving, restoring and/or enhancing 3.6 acres of oak woodland/riparian habitat within the Dayton Creek floodplain in the project area. Prior to initiating construction in waters of the United States, the permittee shall submit to the Corps a final mitigation plan consistent with the Los Angeles District Habitat Mitigation and Monitoring Proposal Guidelines, dated June 1993. The permittee shall obtain final written approval of their mitigation plan from the Corps prior to any construction activities in waters of the United States.
2. The permittee shall preserve in perpetuity 1.57 acres of waters of the United States in the project area. Prior to December 31, 2003, the permittee shall submit to the Corps a copy of the recorded Grant of Open Space Easement between SunCal Companies and the Santa Monica Mountains Conservatory.
3. The permittee will flag 2.19 acres of waters of the United States to identify areas that must be avoided. Any additional acreage impacted outside of the approved construction footprint shall be mitigated at a 5:1 ratio. In the event that additional mitigation is required, the type of mitigation shall be determined by the Corps and may include riparian habitat enhancement, restoration, creation, or preservation.
4. The permittee shall employ all standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive erosion do not enter Dayton Creek during project construction.
5. The permittee shall ensure that all vehicle maintenance, staging, storage, and dispensing of fuel occurs in designated upland areas. The permittee shall ensure that these designated upland areas are located in such a manner as to prevent any runoff from entering waters of the United States.
6. The permittee shall provide all archeological studies required by the Corps, including the necessary funding. The Corps has the right to approve the results and/or content of the required archeological studies. Failure to provide the required studies will result in the revocation of the permit.
7. All proposed archeological treatment strategies, including data recovery and construction monitoring shall be subject to the Corps approval. The permittee shall not proceed with any ground disturbing activities until a notice-to-proceed has been issued by the Corps. The notice-to-proceed shall not be provided by the Corps until all the required archeological studies have been received and approved by the Corps.
8. Failure to properly implement the required treatment plans shall result in revocation of the permit.
9. The permittee shall comply with all the terms and conditions stipulated in the signed Memorandum of Agreement (MOA) for the Dayton Canyon Estates project (2000-00734-AOA).

10. Upon the discovery of any burials, work shall be halted immediately and the Corps shall be notified.
11. The permittee shall provide 20 copies of the final archeology report to the Corps within one year of the completion of the required field studies.

For additional information please call Aaron O. Allen of my staff at (805) 585-2148. This public notice is issued by the Chief, Regulatory Branch.

Please notify the project manager at least 15 days prior to the hearing date if you have any special communication needs.